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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,660	11/28/2005	Gunther Harth	51326-00005 NAT	6518
45200	7590	09/11/2009		
K&L Gates LLP 1900 MAIN STREET, SUITE 600 IRVINE, CA 92614-7319			EXAMINER OLSON, ERIC	
			ART UNIT 1623	PAPER NUMBER
			NOTIFICATION DATE 09/11/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Detailed Action

This action is in response to Applicant's amendment submitted August 31, 2009
After Final.

Applicant's amendment submitted August 31, 2009 will not be entered as it raises new issues for search and consideration. Specifically, the amendment amends claim 5 to add the new limitation that the inhibitor comprises active isomers or active and inactive isomers wherein the effective amount is based at least in part on the ratio of active to inactive isomers. This limitation adds a specific limitation on the amount of inhibitor in the composition and therefore presents a new issue for search and consideration. Additionally, if this amendment were entered, the limitation would be rejected under 35 USC 112, second paragraph as indefinite because it is not clear how the effective amount is based on the ratio of active to inactive isomers, making it impossible for one skilled in the art to determine what this effective amount is or how it limits the claim.

Applicant's arguments and request for reconsideration of the rejections of record in the office action of July 7, 2009, have been fully considered and not found to be persuasive to remove the rejection. Applicant's arguments regarding the new limitations introduced in the amendment are moot in view of the non-entry of the amendment. Applicant's additional argument regarding the structure disclosed in the Stamler et al. reference is not found to be persuasive. Applicant argues that the claimed structure

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would not be at once envisaged by one skilled in the art from those of Stamler et al. because the claimed compounds are not a subset of those disclosed by Stamler et al. However, what is disclosed by Stamler et al. is a compound having an alpha alkyl group of 2-8 carbons and an S-alkyl group of 1-10 carbons, with L,S-isomers as a preferred embodiment. (column 15 lines 7-12 as cited in the final office action) One skilled in the art would clearly envisage the embodiment having an alpha alkyl group of 2-8 carbons and an S-alkyl group of 1 carbon. This falls within the structure of instant claim 5. Claims 7 and 15 further limit the R1 (alpha-alkyl) group to 2-4 carbons or to an ethyl group. The most specific limitation is claim 15, which lists alpha-ethyl-L-methionine-S-sulfoximine as an embodiment. This specific L,S-isomer is one of those which would be envisaged by one skilled in the art based in the disclosure of Stamler et al. (alpha-alkyl is ethyl, S-alkyl is methyl) based on the limited range of R1 and R2 groups disclosed by Stamler et al.

Therefore all rejections of record in the final office action of July 7, 2009 are maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC S. OLSON whose telephone number is (571)272-9051. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia Anna Jiang can be reached on (571)272-0627. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eric S Olson/
Examiner, Art Unit 1623
9/4/2009

/Shaojia Anna Jiang/
Supervisory Patent Examiner, Art Unit 1623